

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LEO VICTOR SAVAGE,

Plaintiff,

vs.

Civil Action 2:10-CV-762
Judge Sargus
Magistrate Judge King

DR. SCOTT BERTOLO, DPM,

Defendant.

ORDER

Plaintiff, who is proceeding without the assistance of counsel, brings this civil action alleging that defendant, a podiatrist, violated the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ["FDCPA"], when he attempted to collect a debt allegedly owed to him by plaintiff. On August 26, 2010, the United States Magistrate Judge issued an *Order and Report and Recommendation* granting plaintiff's motion for leave to proceed *in forma pauperis* but recommending that the action be dismissed pursuant to 28 U.S.C. §1915(e) for failure to state a claim upon which relief can be granted. *Order and Report and Recommendation*, Doc. No. 2. The Magistrate Judge specifically reasoned that, because the defendant/creditor was alleged to have been attempting to collect his own debt, he does not qualify as a "debt collector" within the meaning of the FDCPA. *Id.*, citing 25 U.S.C. §1692a(6); *Montgomery v. Huntington Bank*, 346 F.3d 693, 699 (6th Cir. 2003).

Although plaintiff was advised of his right to object to the *Report and Recommendation*, and of the consequences of his failure to object, see *Order and Report and Recommendation*, at 2, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is **ADOPTED AND AFFIRMED**. This action is hereby **DISMISSED** pursuant to 28 U.S.C. §1915(e).

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT** in this case.

Moreover, the Court **CONCLUDES** that an appeal from the judgment entered in this case would not be taken in good faith. See 28 U.S.C. §1915(a).

9-21-2010

Date



Edmund A. Sargus, Jr.
United States District Judge